

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DEBORAH FRAME-WILSON and  
CHRISTIAN SABOL, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware  
corporation,

Defendant.

CLASS ACTION

No. 20-cv-00424-RAJ

**STIPULATED MOTION TO DEFER  
THE DEADLINE TO FILE A CLASS  
CERTIFICATION MOTION**

NOTE ON MOTION CALENDAR:  
July 24, 2020

The parties, by and through their counsel, stipulate and agree as follows:

1. Plaintiffs filed this lawsuit on March 19, 2020.
2. Plaintiffs intend to seek to certify a nationwide class and various state subclasses of all persons who, on or after March 19, 2016, purchased through a retail e-commerce channel in the United States other than Amazon.com one or more products concurrently offered for sale by Amazon's third-party sellers on Amazon.com.
3. Under Local Rule 23(i)(3), September 15, 2020, is the presumptive deadline for Plaintiffs to file a motion for class certification, absent a Court order deferring the deadline.

1           4.       Good cause exists to extend the presumptive class certification deadline because  
2 the Court extended the deadline for Amazon to respond to the complaint until July 13, 2020.  
3 (Electronic order dated April 20, 2020.) Consistent with that extension, Amazon filed a motion  
4 to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on July 13, 2020, and Plaintiffs now intend to file  
5 an amended complaint within the time permitted by Rule 15, *i.e.*, on or before August 3, 2020. If  
6 Amazon should file a second motion to dismiss or similar motion, which it currently intends to  
7 do, that motion will almost surely be noted for consideration after the presumptive deadline for  
8 the class certification motion established by Local Rule 23(i)(3).

9           5.       Good cause also exists to extend the presumptive class certification deadline  
10 because the issues raised in the complaint will require discovery before Plaintiffs can file their  
11 class certification motion, and any expert reports filed in connection with the class certification  
12 motion will need to be grounded in facts disclosed during discovery.

13           6.       Having met and conferred, the parties have therefore agreed, subject to the  
14 Court's approval, to stipulate to request the Court to vacate the current class certification  
15 deadline prescribed by the local rule. The parties further agree that, if the Court denies  
16 Amazon's motion to dismiss Plaintiffs' forthcoming amended complaint, they will propose a  
17 class certification-briefing schedule promptly following the Court's disposition of the motion.  
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1 DATED this 24th day of July, 2020

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*Attorneys for Defendant Amazon.com, Inc.*

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

The Court hereby vacates the September 15, 2020 deadline for Plaintiffs to file their motion for class certification.

The parties shall propose a class certification briefing schedule promptly following disposition of Amazon's motion to dismiss Plaintiffs' forthcoming amended complaint, should the Court deny that motion.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

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Honorable Richard A. Jones  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on July 24, 2020, a true and correct copy of the foregoing was filed electronically by CM/ECF, which caused notice to be sent to all counsel of record.

/s/ Steve W. Berman

Steve W. Berman